

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT UNDER THE
CIVIL RIGHTS ACT, 42 U.S.C. § 1983, WITH JURISDICTION
UNDER 28 U.S.C. § 1343

2024 MAY 21 P 1:05

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

Djvan A. Carter

[Enter above the full name of
the plaintiff in this action]

v.

Docket no. PEN-01-2023

MAINE STATE POLICE et al.

TROOPER BLAINE SILK et al.

[Enter above the full name of
the defendant(s) in this action]

I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes [] No [X]
- B. If your answer to "A" is yes, describe the lawsuit in the space below.
[If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline]

1. Parties to this previous lawsuit

Plaintiff(s)

Defendant(s)

2. Court [If federal court, name the district; if state court, name the county]

3. Docket number

4/17/2024

4. Name of judge whom case was assigned _____

5. Outcome [for example: It is still pending? Was it dismissed? Was it appealed] _____

6. Approximate date of filing lawsuit _____

7. Approximate date of outcome _____

II. Place of present confinement PENOBSCOT COUNTY JAIL

A. Is there a prisoner grievance procedure in this institution?

Yes [☒] No [☐]

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes [☐] No [☒]

C. If your answer is "Yes"

1. What steps did you take? _____

2. What was the result? _____

III. Parties

[In item "A" below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.]

A. Name of Plaintiff Dylan A. Carter

Address 85 Hammond Street, Bangor, Maine, 04401.

[In item "B" below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item "C" for the names, positions, and places of employment of any additional defendants.]

B. Name of Defendant MAINE STATE POLICE DEPARTMENT et al,

Position MAINE STATE POLICE AGENCY

Address 42 State House Station, Augusta, Maine, 04333.

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C. Additional Defendant(s) TROOPER BLAINE SILK et al,
Corporal at the MAINE STATE POLICE DEPARTMENT
42 State House Station, Augusta, Maine, 04333.
45 Commerce Drive, Augusta, Maine, 04333.

IV. Statement of Claim

[State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheet if necessary.]

1(a) On May 26, 2023 I was harmed by Trooper Blaine Silk of the Maine State Police when he shot at me seven times, striking me in the back once with a .45 Caliber bullet fragment causing life-long physical injuries where the bullet fragment, as well as other shrapnel is lodged in my back. I also sustained two broken ribs. [See Exhibit A] (statement continues on attached sheet(s))

V. Relief

[State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.]

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:
1) A declaration that the acts and omissions described herein violated plaintiff's rights under the Constitution and laws of the United States;
(see attached: Prayer for Relief)

Signed this 17th day of April, 2024


Signature of Plaintiff
in propria persona

I declare under penalty of perjury that the foregoing is true and correct.

4/17/2024
Date


Signature of Plaintiff
in propria persona

4/17/2024

Djvan A. Carter Plaintiff,

UNITED STATES DISTRICT COURT
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STATEMENT OF CLAIM (continued)

- (b) Barton T. Douglas MD of Northern Light Eastern Maine Medical Center on 5/26/2023 stated after I was admitted into the emergency department of that facility, "Upon my evaluation, this patient had a high probability of imminent or life-threatening deterioration due to gunshot wound to the left hemithorax, which required my direct attention, intervention, and personal management."
- (c) From this incident I am also suffering mental health issues such as PTSD, as well as anxiety. This incident makes it that much more harder to trust law enforcement or any other form of so-called "authority" figures.

Djvan A. Carter, Plaintiff.

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STATEMENT OF CLAIM (continued)

2. The Office of the Attorney General who allegedly deemed Trooper Blaine Silk "justified" for using deadly force against me, in its investigation clearly shows in its following statement, "The investigation did not include an analysis of whether any personnel action might be warranted, whether the use of deadly force could have been averted, or whether there might be civil liability.", that a proper investigation wasn't done to determine whether the use of deadly force by Officer Blaine Silk was necessary; as well as excessive. [see Exhibit B]

3. On May 26, 2023 Trooper Blaine Silk of the Maine State Police Department, did and in fact use unnecessary excessive use of deadly force

Djvan A. Carter Plaintiff

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STATEMENT OF CLAIM (continued)

against me when he fired his .45 Caliber Service Sidearm at me seven times, hitting me once, after only arriving on the scene less than a minute prior to that shooting.

Let the records show exclusively that Trooper Blaine Silk did not issue any verbal, or other type of commands to me before he randomly fired his .45 Caliber Service Sidearm at me, and the alleged victim.

Trooper Blaine Silk acted irrational, and unprofessional when he used unnecessary excessive use of deadly force against me. It is my belief that Trooper Blaine Silk intended to murder me under the color and authority of law enforced by Maine State Police when he randomly fired seven shots at me from his .45 Caliber Service Sidearm. [see Exhibit C]

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PRAYER FOR RELIEF (continued)

2) A declaration that the acts and omissions described herein in fact constituted unnecessary excessive use of deadly force by Trooper Blaine Silk;

3) A preliminary and permanent injunction ordering defendant, MAINE STATE POLICE to fire Trooper Blaine Silk from the MAINE STATE POLICE DEPARTMENT, as well as a preliminary and permanent injunction ordering defendant, TROOPER BLAINE SILK to immediately submit his resignation to the Commander of the MAINE STATE POLICE DEPARTMENT in regards to immediate termination of his employment with the MAINE STATE POLICE;

4) Compensatory damages in the amount of \$250,000⁰⁰ USD against each defendant, jointly and severally.

PRAYER FOR RELIEF (continued)

by Djvan A. Carter

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PRAYER FOR RELIEF (continued)

- 5) Punitive damages in the amount of \$250,000⁰⁰ USD against each defendant MAINE STATE POLICE DEPARTMENT and TROOPER BLAINE SILK, and the amount of \$250,000⁰⁰ USD against defendant TROOPER BLAINE SILK;
- 6) A jury trial on all issues triable by jury;
- 7) Plaintiff's costs in this suit;
- 8) Any additional relief this court deems just, proper, equitable.

Dated: 4/17/2024Respectfully Submitted by: *Djvan A. Carter*
Plaintiff
In Propria Persona

PRAYER FOR RELIEF (continued) by Djvan A. Carter 4/17/2024